

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FNU LNU,
a/k/a "Ricardo Hernandez,"
a/k/a "Herbeth Wilfredo
Giron Diaz,"

Defendant.

NOLLE PROSEQUI

22 Cr. 16 (SHS)

1. The filing of this *nolle prosequi* will dispose of this case with respect to FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant.

2. On January 10, 2022, a grand jury sitting in this District returned a six-count Indictment charging the defendant with making false statements in a passport application, in violation of 18 U.S.C. § 1542 (Count One); theft of government funds in connection with fraudulently obtained Medicare and Medicaid benefits, in violation of 18 U.S.C. § 641 (Count Three); theft of government funds in connection with fraudulently obtained Supplemental Nutrition Assistance Program and Public Assistance benefits, in violation of 18 U.S.C. § 641 (Count Five); and three counts of aggravated identity theft in connection with Counts One, Three, and Five, in violation of 18 U.S.C. § 1028A.

3. Based on a review of the evidence in the case and information pertaining to this defendant acquired subsequent to the filing of the Indictment, the Government has concluded that further prosecution of FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, would not be in the interests of justice.

4. In light of the foregoing, we recommend that an order of *nolle prosequi* be filed as

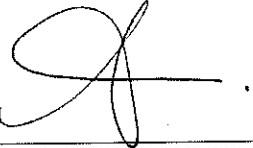
to FNU LNU, a/k/a "Ricardo Hernandez," a/k/a "Herbeth Wilfredo Giron Diaz," the defendant, in the above-captioned matter.

/s

Justin Horton
Henry L. Ross
Assistant United States Attorneys
(212) 637-2276 / 2442

Dated: New York, New York
November 21, 2023

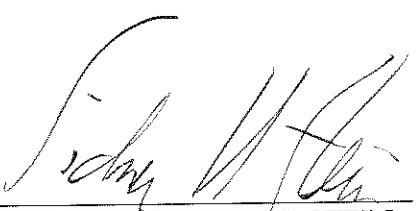
Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant FNU LNU with respect to Indictment 22 Cr. 16 (SHS).



DAMIAN WILLIAMS
United States Attorney
Southern District of New York

Dated: New York, New York
November 21, 2023

SO ORDERED:



HONORABLE SIDNEY H. STEIN
United States District Judge
Southern District of New York

Dated: New York, New York
November 21, 2023